

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-cr-232

v.

HON. JANET T. NEFF

DOUGLAS CLARK GOINS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Douglas Clark Goins filed a motion for modification or reduction of sentence (Dkt 38) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine). A Probation Report of Eligibility was filed (Dkt 41) indicating that Defendant appears to be ineligible. Defendant has filed Objections (Dkt 43) to this report.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

The defendant is not entitled to relief on the facts of his case. The base offense level was determined by the Career Offender enhancement of § 4B1.1 of the U.S.S.G. as confirmed by this Court's review of the sentencing documents relevant to defendant's case; therefore, the retroactive

guideline dealing with crack amounts does not result in a lower guideline range. See *United States v. Perdue*, 572 F.3d 288, 292 (6th Cir. 2009). Therefore,

IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 38) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

IT IS FURTHER ORDERED that defendant's request for court appointed counsel is also DENIED.

DATED: May 15, 2012

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge